

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

SKYLINE POTATO COMPANY, Inc.,

Plaintiff,

v.

Civil Action No. 1:10-cv-00698

TAN-O-ON MARKETING, Inc., et al.
GERALD and JULIE ANDERSON,

Defendants.

GERALD and JULIE ANDERSON,

Third Party Claimants,

v.

HI-LAND POTATO COMPANY, Inc.
and CARL WORLEY,

Third Party Defendants.

THIRD PARTY COMPLAINT FOR FRAUD

COME NOW Defendants Third Party Claimants Gerald and Julie Anderson by
and through their attorney SHANNON ROBINSON and state:

1. That this Court has in personam and subject matter jurisdiction over Third Party Defendants Hi-Land Potato Company, Inc. and Carl Worley.
2. Third Party Claimants allege Tan-O-On Marketing, Inc. was acquired by Third Party Defendants Hi-Land Potato Company, Inc. and Carl Worley or in the alternative Third Party Defendants Carl Worley and Hi-Land Potato Company used the name and authority of Tan-O-On Marketing, Inc. through Shannon Casey and made multiple false orders to ship perishable

commodities in the name of Tan-O-On Marketing, Inc. and using Tan-O-On Marketing Inc.'s and Gerald and Julie Anderson's PACA account and collected the money as an asset of Hi-Land Potato Company, Inc. and did not tender payment to the suppliers Skyland Potato Company, Inc. Third Party Claimants and the Plaintiff in this cause of action were all victims of the fraudulent practice of Third Party Defendants thus initiating this cause of action.

3. Third Party Claimants Gerald and Julie Anderson are being accused of nonpayment of PACA orders for shipping perishable goods all to their damage due solely to the fraudulent actions of Third Party Defendants Hi-Land Potato Company, Inc. and Carl Worley who converted the funds.
4. Third Party Claimants Gerald and Julie Anderson claim damages to their reputation for fair dealing in the Potato Industry due to the actions of Hi-Land Potato Company, Inc. and Carl Worley in an amount to be proven by the evidence.
5. Third Party Claimants Gerald and Julie Anderson are now accused of absconding with the proceeds of multiple deliveries of perishable commodities shipped in the name of Tan-O-On Marketing, Inc. without their knowledge or authority or assistance. The Orders were placed by Terry Wright or Shannon Casey in the name of Tan-O-On Marketing, Inc. but proceeds of sales were diverted to Hi-Land Potato Company, Inc. and Carl Worley.

6. Third Party Defendants seek recovery in an amount to be proven by the evidence from Third Party Defendants Hi-Land Potato Company, Inc. and Carl Worley for the proceeds of shipments made in the name of Tan-O-On Marketing, Inc. using the Tan-O-On Marketing, Inc. and Gerald and Julie Anderson PACA account. Shannon Casey, Carl Worley and Hi-Land Potato Company, Inc. stole trade secrets by fraudulent means from Gerald and Julie Anderson and Tan-O-On Marketing, Inc. including customer lists, business records of sales contacts and past records of sales and purchase by customers of Tan-O-On Marketing, Inc. without permission or authority. Wherein the monies received from the shipments were diverted to Hi-Land Potato Company, Inc. and Carl Worley rather than paying the potato suppliers.
7. Third Party Claimants Gerald and Julie Anderson seek recovery of monies fraudulently converted by Hi-Land Potato Company, Inc. from orders made and continuing to be made in the name of Tan-O-On Marketing, Inc. and orders placed by Hi-Land Potato Company Inc. to ship potatoes and perishable commodities to customers on the customer lists of Tan-O-On Marketing, Inc. from July of 2009 through the year 2010 and including the continued wrongful use of trade secrets belonging to Tan-O-On Marketing, Inc. and Gerald and Julie Anderson including customer lists, business records and records of past business dealings which were all obtained by fraud and misappropriation. The accounts of Kroger Inc. and specifically Skyline Potato Company, Inc. were wrongfully appropriated by Hi-Land Potato Company, Inc. and Carl Worley through fraud and trade secret violations. The fraud

perpetrated by Third Party Defendants Hi-Land Potato Company, Inc. damaged Third Party Claimants in an amount to be proven by the evidence and continues with ongoing orders from Kroger, Inc.

8. Third Party Claimants Gerald and Julie Anderson seek indemnification from all liability related to all allegations in Counts I through VIII of the above entitled cause of actions filed by Plaintiff Skyline Potato Company, Inc. in an amount to be proven by the evidence.
9. The actions of Third Party Defendants Hi-Land Potato Company, Inc. and Carl Worley were intentional, malicious, wanton and reckless in using an elaborate scheme to defraud Gerald and Julie Anderson and a fraudulent scheme for theft of trade secrets which malicious acts constitute fraud and entitled Gerald and Julie Anderson to an award of punitive damages in the amount of one million dollars.

Respectfully submitted,



SHANNON ROBINSON
Attorney for Gerald & Julie Anderson
800 Lomas N.W., Suite 101
Albuquerque, New Mexico 87102
(505) 247-0405

I hereby certify that a copy of the foregoing was delivered to opposing counsel this
23 day of February, 2011.



SHANNON ROBINSON